

**Notice of Allowability**

Application No.

10/046,634

Applicant(s)

DEN BRINKER ET AL.

Examiner

V. Paul Harper

Art Unit

2654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/4/06.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Comments / Reasons for Allowance***

***Drawings***

1. Applicant is requested to provide a descriptive legend for each of the structural elements in the drawings currently represented in the form of a hollow rectangle, for example those denoted by symbols 100, 120, 126, 140, 520, and 540 in Figures 1, 2, 4 and 5. Correction is required.
2. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. Correction is required

***Reasons for Allowance***

3. Claims 1-16 are allowed.

It is noted that the closest prior art of record, Taori et al. (International Application Publication Number WO 00/79519 A1), discloses a system for audio transmission having an improved encoder where audio segments are linked together using an error matrix, but Taori et al. do not teach the use of:

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(Regarding claims 1 and 10) a calculating unit adapted to generate a similarity matrix  $S(m,n)$  in response to received sinusoidal code data including information about the amplitudes and the frequencies of  $M$  components  $x_m$  with  $m=1 \dots M$  of the extended previous segment  $sp$  and of  $N$  components  $y_n$  with  $n=1 \dots N$  of the extended current segment  $sc$ , and evaluating the similarity matrix  $S(m, n)$  in order to generate the linking information  $L$  by selecting those pairs of components  $m$  and  $n$  the similarity of which is maximal; or

(Regarding claims 8, and 9) a calculating unit for generating a similarity matrix  $S(m,n)$  in response to received sinusoidal code data wherein the values of the similarity matrix represent the similarity between the  $m$ 'th component  $x_m$  of the extended previous segment  $sp$  and the  $n$ 'th component  $y_n$  of the consecutive extended current segment  $sc$  for  $m=1 \dots M$  and  $n=1 \dots N$ , and an evaluating unit for receiving and evaluating the similarity matrix  $S(m,n)$  in order to generate the linking information  $L$  indicating those pairs of components  $m,n$  the similarity of which is maximal.

Thus, independent claims 1, 8, 9 and 10 are allowable over the prior art of record because the cited prior art alone or in combination, does not fairly suggest or disclose the claimed combination of features.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is (571) 272-7605. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/23/06

V. Paul Harper  
Patent Examiner  
Art Unit 2654

A handwritten signature in black ink, reading "V. Paul Harper". The signature is written in a cursive, flowing style with a large initial "V".